

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 12-1359

United States of America,

Appellee,

v.

Michael Reed Rodgers,

Appellant.

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* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
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* [UNPUBLISHED]
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Submitted: July 19, 2012
Filed: August 2, 2012

Before WOLLMAN, MELLOY, and SHEPHERD, Circuit Judges.

PER CURIAM.

Michael Rodgers appeals the district court's¹ denial of his 18 U.S.C. § 3582(c)(2) sentence-reduction motion based on Amendment 750 of the United States Sentencing Guidelines. We affirm, as Rodgers's applicable Guidelines range was not lowered by the amendment, and he has provided no other ground warranting reversal. See U.S.S.G. § 1B1.10, comment. (n.1(A)) (eligibility for consideration under § 3582(c)(2) is triggered only by amendment that lowers applicable Guidelines range); United States v. Tolliver, 570 F.3d 1062, 1066-67 (8th Cir. 2009) (where

¹The Honorable J. Leon Holmes, Chief Judge, United States District Court for the Eastern District of Arkansas.

applicable Guidelines range was not lowered by amendment, district court lacked authority to reduce sentence).

The judgment is affirmed. Counsel's motion to withdraw is granted, subject to counsel informing appellant about procedures for seeking rehearing or filing a petition for certiorari.
